

REMARKS/ARGUMENTS

Claims 1-53 were in the application.

It is believed that the claims submitted in the international stage and which are found on pages attached to the International Preliminary Examination Report and labeled "Attachment Sheet" were not considered by the Examiner. The Examiner has raised formal objections to dependent claims 32, 33, 43, 44, and 52. The objections reference parent claims by numbers which apply to the published PCT claims but not to the amended claims which were later substituted. Hence, it is believed that that only the claims published with the PCT application were examined.

Examination of the claims as amended in the international stage and attached to the International Preliminary Examination Report is respectfully requested. The claims attached to the International Preliminary Examination Report are listed above for the convenience of the Examiner. The claims have been amended here only to remove the phrase "characterized in that".

The Examiner has rejected all of the published PCT application claims as obvious over U.S. Patent No. 4,901,367 to Nicholson, either alone or in combination with other art. Although the examined claims are not the ones presently in the case, it is believed worthwhile to distinguish the teachings Nicholson from Applicant's invention.

Nicholson and the instant application disclose very different systems for the distribution of signals to the users of a

condominium, The differences are more substantial than Applicant's use of digital signals which are absent from Nicholson's teachings.

According to the instant application, various types of signals are received and distributed on a distribution network. Some of the received signals, referred to as "reserved signals", are transmodulated and shifted in frequency in order to be allocated inside a band of "reserved frequency portions, or personal channels". The remaining signals are mixed with the reserved signals and distributed together to the system users.

Each user has a socket to which the signal input of the user's television set is connected. Each socket is provided with a filter 15 which hides the reserved band of frequencies. Each user is able to see programming which is received on all of the non-reserved signals.

If a user wants to receive a program on a "reserved signal" (e.g. pay-per-view television), a second filter 16 is connected in parallel to the first filter thereby allowing the user to receive the reserved signal programming, e.g., pay-per view.

Nicholson does not use the foregoing approach. Instead, Nicholson sends only one of the selected signals is sent to the user. Each time the user changes the TV channel, a signal is sent to the user's multi-channel remote switching a processing converters (RSPC) in order to tune, demodulate, modulate and then amplify the signal that corresponds to the channel selected by the

user. This requires a very intensive use of the RSPC, which is interrogated with each change of channel.

Applicant's invention provides for a more reliable solution as all the non-reserved signals are distributed on the network to all of the users. That is, the remote elements of the systems are not interrogated each time a user wants to switch between one non reserved channel and another non reserved channel, unlike Nicholson which requires such an interrogation.

The present invention offers a further economic advantage. In most cases, not all of the users of a condominium will want to pay to receive "reserved channels". For these subscribers a Remote Switching and Processing Converter (RSPC) is unnecessary. Nicholson requires RSPC capability for all subscribers, even those who will never view reserved channels.

Independent apparatus claim 1 clearly distinguishes over Nicholson and the secondary references for the following reasons. As the Examiner has already noted, claim 1 requires that the received information signals comprise digital signals. Only a portion of the digital signals (not the other information signals) are amplified and converted. All of the information signals, whether digital or not, are mixed to a distribution network. And, a portion of the reserved digital signals are allocated to "personal channels".

Similarly, independent method claim 50 requires

"operating the frequency conversion of each reserved digital signal required by a specific

socket in a reserved frequency portion (S1), or personal channels, that is exclusively associated with a sockets, and in that the steps of controlling the digital signals comprises the step of remote controlling the operation of frequency conversion of each reserved digital signal required by a specific socket in a reserved frequency portion (S1), for the purpose of selecting the content of said reserved frequency portion (S1)."

There is a fundamental difference between Nicholson and the instant invention in that, in distributing the signals into a condominium, Nicholson concentrates all the switching activity into a remote location, while the instant invention distributes the switching activity among the users.

None of the prior art cited by the Examiner discloses distributing information signals intended for all users on free bands and information signals intended for a limited population of subscribers on reserved bands.

For the foregoing reasons, it is believed that independent claims 1 and 50, dependent claims 2-49 which depend from claim 1, and dependent claims 51-53 which depend from claim 50, are not obvious over Nicholson, whether considered alone or in combination with any of the other cited references.

The Examiner has also provisionally rejected all of the claims for double patenting. The double patenting rejection is believed to be based on a comparison of the published PCT claims of the present application with the claims of U.S. patent application serial no. 09/600,460 as amended in the international stage. A comparison of the claims of the instant application and the cited application, as

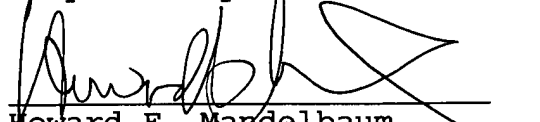
amended in the international stage, will demonstrate that the applications cover two different and distinct inventions.

Moreover, the double patenting rejection is believed to be moot for the following reason. Both applications are national stage applications (35 U.S.C. 371) having the same international filing date, i.e., January 18, 1999. The applications have been assigned to the same entity, Fracarro Radioindustrie S.p.A. The assignment of the instant application is recorded in the Patent and Trademark Office at reel 011227, frame 0986. The assignment of U.S. Patent Application Serial No. 09/600,460 is recorded in the Patent and Trademark Office at reel 011340, frame 0775.

Normally, a double patenting rejection could be overcome by filing a terminal disclaimer in the patent having the later expiration date. Since both patents would have the same expiration date, a terminal disclaimer would not be necessary. Hence, withdrawal of the double patenting rejections is believed to be appropriate.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Early and favorable action is earnestly solicited.

Respectfully Submitted,



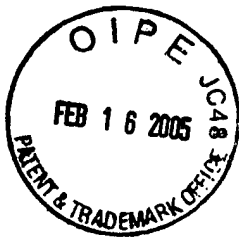
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Amendments to the Drawings:

The attached sheet of drawings includes a new Fig. 2 which has been labeled "Prior Art" as required by the Examiner. The replacement sheet is labeled "Replacement Sheet" in accordance with 37 C.F.R. 1.121(d). An annotated sheet marked-up to highlight the correction is also included and labeled "Annotated Marked-Up Drawings".

## **APPENDIX**



**Fig. 2**

**PRIOR ART**

